

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

**FILED**  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENN.

Energy Automation Systems, Inc.

v.

Xcentric Ventures, LLC et al

No. 3:06-1079

Judge Trauger

Magistrate Judge Griffin

NOV - 6 2006

BY \_\_\_\_\_  
DEPUTY CLERK

NOTICE OF SETTING OF INITIAL CASE MANAGEMENT CONFERENCE

Pursuant to Local Rule 16.01, effective January 1, 2001, notice is hereby given that the initial case management conference before Judge Trauger is scheduled in the chambers of Judge Trauger, 801 Broadway, Room 825, Nashville, TN, at 1:30 p.m., on Monday, January 8<sup>th</sup>, 2007

**LEAD TRIAL COUNSEL FOR EACH PARTY** is required to attend the initial case management conference. Appearance by counsel at the initial case management conference will not be deemed to waive any defenses to personal jurisdiction. Counsel should bring their calendars with them to the conference as deadlines for the progression of the case and a trial date will be set at that time. Counsel for the filing party should notify the courtroom deputy for Judge Trauger if any of the defendants has not been served prior to the scheduled conference date.

Pursuant to Local Rule 16.01(d), counsel for all parties shall, at the initiative of the plaintiff's counsel, confer prior to the initial case management conference as required by Fed. R. Civ. P. 26(f) to discuss the issues enumerated in Local Rule 16.01(d)(1)(c) and (2) and to determine if any issues can be resolved by agreement subject to the Court's approval. Pursuant to Local Rule 16.01(d)(1)b.2, counsel for all parties shall, at the initiative of plaintiff's counsel, prepare and submit a proposed case management order AT LEAST 3 BUSINESS DAYS PRIOR TO THE SCHEDULED CONFERENCE. The attached standard provisions are to be included in Judge Trauger's case management orders.

Pursuant to Fed. R. Civ. P. 26(d), discovery is stayed until the initial case management conference. Unless exempted by Fed. R. Civ. P. 26(a)(1)(E), all cases are subject to the required initial disclosure requirements of Rule 26(a)(1).

**PURSUANT TO LOCAL RULE 16.01(d)(1), COUNSEL FOR THE PARTY FILING THIS LAWSUIT MUST SERVE A COPY OF THIS NOTICE ON THE OTHER PARTIES TO THIS LAWSUIT ALONG WITH THE SUMMONS AND COMPLAINT OR WITH THE REQUEST FOR WAIVER OF SERVICE UNDER FED R. CIV. P. 4(d), OR WITH THE SERVICE COPY OF THE NOTICE OF REMOVAL.**

CLERK'S OFFICE  
Middle District of Tennessee

**STANDARD PROVISIONS TO BE**

**INCLUDED IN JUDGE TRAUGER'S  
CASE MANAGEMENT ORDERS**

1. The court has jurisdiction of this case pursuant to \_\_\_\_\_  
(cite statute(s))

Jurisdiction is \_\_\_\_\_  
(disputed or not disputed)

2. Mandatory initial disclosures. Pursuant to Fed. R. Civ. P. 26(a)(1), all parties must make their initial disclosures within 14 days after the initial case management conference.
3. Discovery. Discovery is not stayed during dispositive motions, unless ordered by the court. Local Rule 33.01(b) is expanded to allow 40 interrogatories, including sub-parts. No motions concerning discovery are to be filed until after the parties have conferred in good faith and, unable to resolve their differences, have scheduled and participated in a conference telephone call with Judge Trauger.
4. Dispositive motions. Briefs shall not exceed 20 pages. No motion for **partial** summary judgment shall be filed except upon leave of court. Any party wishing to file such a motion shall first file a separate motion that gives the justification for filing a partial summary judgment motion in terms of the overall economy of time and expense for the parties, counsel and the court.

**THESE PROVISIONS MUST BE INCLUDED IN ALL CASE MANAGEMENT ORDERS.  
THEIR LOCATION WITHIN THE ORDER ARE WITHIN THE DISCRETION OF THE  
LAWYER WHO PREPARES THE ORDER.**